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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,865	09/27/2000	Boon-Lock Yeo	YO9-97-348C	7873
7590 McGuireWoods LLP 1750 Tysons Boulevard, Suite 1800 McLean, VA 22102		06/06/2007	EXAMINER RAMAN, USHA	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/670,865

Applicant(s)

YEO ET AL.

Examiner

Usha Raman

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

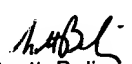
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attached, "Response to Arguments".
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Scott Beliveau
Primary Examiner
Art Unit: 2623

Response to Arguments

Applicant's arguments filed May 15th, 2007 have been fully considered but they are not persuasive. Applicant argues (see, page 8) that features of claims 36 were not addressed in the rejection, in particular the limitation of "a preview of frame comprising a future frame from the video program in progress displayed at the same time as the at least one summary frame and the video program in progress". The examiner however respectfully disagrees. The aforementioned limitation of claim 36 is similar to claim 24, that depends on claim 21. The rejection for claim 21, cites figure 12B of Nakagaki, that illustrates a main frame (D) of video program progress in a main window, and a plurality of summary frames (A, B, C) displayed at the same time as the video program in progress. The rejection for claim 24, further shows switching the relationship of the father-son screens, such that C is displayed in the main screen area, and D is now displayed as the subordinate screen. As such, only C-D screens are switched in figure 12B, while A and B remain the same. When this father-son relationship is switched, D is the future frame of the video frame in progress (C) along with the summary frames A, and B. Accordingly, switching the father-son relationship of C-D from figure 12B of Nakagaki, meets the recited limitations of claim 36, "a preview of frame comprising a future frame from the video program in progress displayed at the same time as the at least one summary frame and the video program in progress".

Applicant's arguments (see page 20-21) have been considered, however are not persuasive. MPEP 2144.03 states, "To adequately traverse such a finding, an applicant *must* specifically point out the supposed errors in the examiner's action, which would

include stating why the noticed fact is not considered to be common knowledge or well-known in the art". As such the MPEP mandates that the applicant traverse the Official Notice taken in the Non-Final office action, mailed June 29th, 2006, which the applicant failed to do. Examiner additionally notes that, while the language in the MPEP indicates that the examiner "should" indicate to the applicant that the common knowledge to be taken to be admitted prior art because applicant fails to traverse examiner's Official Notice, it does not mandate the examiner to do so. Regardless, this argument is moot, in light of the fact that a reference supporting the Official Notice was indicated in the "Conclusion" of the Non-Final office action mailed on June 29th, 2006, and the same reference was brought to applicant's attention again, in Advisory Action mailed on April 2nd, 2007.

Applicant's arguments from pages 9-20 appear to be a restatement of arguments previously presented in communications mailed February 15th, 2007 and therefore have been previously addressed in Advisory Action mailed April 2nd, 2007.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER